United Nations CEDAW/C/ISR/CO/6

Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women

Concluding observations on the sixth periodic report of Israel*

1. The Committee considered the sixth periodic report of Israel (CEDAW/C/ISR/6), submitted pursuant to the simplified reporting procedure, at its 1542nd and 1543rd meetings (see CEDAW/C/SR.1542 and CEDAW/C/SR.1543), held on 31 October 2017.

A. Introduction

2. The Committee appreciates the submission by the State party of its sixth periodic report, which was prepared in response to the list of issues and questions prior to reporting (CEDAW/C/ISR/QPR/6), and its follow-up report (CEDAW/C/ISR/CO/5/Add.1). The Committee welcomes the oral presentation by the delegation and the further clarifications provided in response to the questions posed orally by the Committee during the dialogue.

3. The Committee commends the State party on its delegation, which was headed by the Ambassador and Permanent Representative of Israel to the United Nations Office at Geneva, Aviva Raz Shechter, and included representatives of the Ministry of Justice, the Ministry of Labour, Social Affairs and Social Services, the Ministry of Health, the Ministry of Education, the Israel Defence Forces, the police, the Israel Prison Service and the Permanent Mission of Israel to the United Nations Office and other international organizations in Geneva.

B. Positive aspects

4. The Committee welcomes the progress achieved since the consideration in 2011 of the State party's fifth periodic report (CEDAW/C/ISR/5) in undertaking legislative reforms, in particular the adoption of the following:

(a) Amendment No. 6 to the Marriage Age Law, raising the minimum age of marriage from 17 to 18 years, in 2013;

* Adopted by the Committee at its sixty-eighth session (23 October–17 November 2017).

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(b) Amendment No. 57 to the Employment of Women Law, extending the period of maternity leave from 14 to 15 weeks, in 2017;

(c) Amendment to the Prevention of Sexual Harassment Regulations, providing for measures to combat sexual harassment in higher education institutions, in 2014;

(d) Amendment No. 26 to the Religious Judges Law, requiring that at least one of the two representatives of each body (the Government, the parliament and the Israel Bar Association) appointed to the committee responsible for the appointment of judges of the religious Jewish courts be a woman, in 2013;

(e) Amendment to the Rabbinical Courts (Enforcement of Divorce Judgments) Law, in 2012;

(f) Amendment to the National Health Insurance Law, providing for fertility preservation treatments for women and girls who are to undergo chemotherapy or radiation treatments, in 2011.

5. The Committee welcomes the State party's efforts to improve its policy and institutional framework aimed at accelerating the elimination of discrimination against women and promoting gender equality, such as the adoption or establishment of the following:

(a) Action plan for the implementation of Security Council resolution 1325 (2000), in 2015;

(b) Community courts, which became operational in 2014;

(c) Joint interministerial committee on preventing domestic violence, in 2014;

(d) Gender equality unit within the police, in 2013;

(e) Joint interministerial team, headed by the Deputy Attorney General, to review and implement the concluding observations of human rights treaty bodies, in 2011.

6. The Committee welcomes the fact that, in 2012, in the period since the consideration of the previous report, the State party ratified the following international instruments:

(a) Convention on the Rights of Persons with Disabilities;

(b) Private Employment Agencies Convention, 1997 (No. 181), of the International Labour Organization.

C. Parliament

7. **The Committee stresses the crucial role of the legislative power in ensuring the full implementation of the Convention (see the statement by the Committee on its relationship with parliamentarians, adopted at the forty-fifth session, in 2010). It invites the parliament, in line with its mandate, to take the necessary steps regarding the implementation of the present concluding observations between now and the next reporting period under the Convention.**

D. Principal areas of concern and recommendations

Reservations

8. Notwithstanding the positive developments, including the amendment to the Rabbinical Courts (Enforcement of Divorce Judgments) Law in 2012, the Committee notes with concern that the State party maintains its reservations to articles 7 (b) and 16 of the Convention, even though it has committed itself to reviewing them. The Committee notes the State party's explanation in its follow-up report (CEDAW/C/ISR/CO/5/Add.1) that the reservations relate to the very fabric of Israeli society, which comprises many religions, each having varying degrees of autonomy with regard to certain religious practices. It notes, however, that the national courts have invoked article 16 of the Convention in several cases, as indicated in annex III to the State party's report, and that various issues relating to family, marriage and divorce law are dealt with by family courts, which indicates that the reservations can be withdrawn. It welcomes the indication by the delegation that internal discussions regarding the partial withdrawal of the reservation to article 16 will soon begin.

9. **Considering that the age of marriage and other areas of law relating to matrimonial property within the legal framework are in line with the Convention, the Committee reiterates its previous recommendation (CEDAW/C/ISR/CO/5, para. 9) that the State party review its reservations to articles 7 (b) and 16 of the Convention in order to withdraw them within an established time frame. It reiterates that the reservation to article 16 is contrary to the object and purpose of the Convention because it undermines the principle of substantive equality between women and men in all matters relating to marriage and family relations.**

Definition of discrimination and non-discrimination

10. While noting that the Supreme Court has applied a progressive approach to the principle of equality, derived from the Basic Law: Human Dignity and Liberty, the Committee expresses its regret that the State party's legislation still contains no comprehensive definition of discrimination against women that covers direct and indirect discrimination. It expresses its concern about the systemic discrimination experienced by national minorities, specifically women and girls belonging to the Arab and Bedouin communities.

11. **The Committee, recalling its previous recommendation (ibid., para. 11), recommends that the State party take legislative measures to adopt a comprehensive definition of discrimination against women that covers direct and indirect discrimination in the public and private spheres, in addition to intersecting forms of discrimination, in line with article 1 of the Convention. It also recommends that the State party adopt a comprehensive strategy to eliminate the systemic discrimination experienced by national minorities, specifically women and girls belonging to the Arab and Bedouin communities.**

Limitation of freedom of movement, segregation and exclusion of women in relation to public spaces and commercial and educational settings

12. The Committee notes with concern that, the response by the delegation and the measures taken by the State party notwithstanding, limitations on freedom of movement continue to have an impact on women in public spaces, including transportation, and at times have led to their exclusion from educational, commercial

and religious environments by some ultra-Orthodox movements, which are imposing their observance of religion in a way that contravenes the fundamental rights of women and girls. It is concerned about the recent decision by the Council for Higher Education to expand segregated campuses and introduce fully segregated classrooms within universities.

13. **The Committee recommends that the State party:**

(a) **Intensify its efforts to address the phenomenon of limitation of freedom of movement of women and sex-based segregation by some religious movements, so as to guarantee the access of women and girls to public spaces, including transportation and educational, commercial and religious settings, on equal terms with men, and impose sanctions on persons and institutions involved in discriminatory acts;**

(b) **Denounce the segregation of women and girls as an unacceptable practice, an affront to the dignity of women and girls that is incompatible with the Basic Law: Human Dignity and Liberty and a violation of the Convention;**

(c) **Eliminate segregation in all spheres, including public spaces and higher education.**

Extraterritorial application of the Convention

14. The Committee regrets that the State party maintains its position that the Convention is not applicable beyond its own territory, such that it provided no information on the implementation of the Convention in the Occupied Palestinian Territory over which the State party exercises jurisdiction or effective control. It reiterates that the State party's position is contrary to the position of the Committee and other treaty bodies, including the Human Rights Committee, the Committee on Economic, Social and Cultural Rights, the Committee against Torture and the Committee on the Elimination of Racial Discrimination, and the International Court of Justice (ibid., para. 12).

15. **The Committee recalls its previous recommendation (ibid., para. 13) that the State party give full effect to the provisions of the Convention and implement its obligations under international humanitarian law with regard to all persons under its jurisdiction or effective control. The Committee recommends that the State party provide comprehensive information in its seventh periodic report on the implementation of the Convention in the Occupied Palestinian Territory over which it exercises jurisdiction or effective control.**

Access to justice

16. The Committee notes the State party's efforts to provide legal aid services to women and girls, including the establishment of a legal aid branch in Rahat in June 2016, and to strengthen cooperation between the Legal Aid Department and non-governmental organizations. It welcomes the recent amendment to extend free legal aid to victims of sexual offences by providing an exemption from the economic eligibility test required under the Legal Aid Law. The Committee also welcomes the implementation of the amendments to the Rabbinical Courts (Enforcement of Divorce Judgments) Law and the strengthening of the family court system to expedite the disposition of cases relating to marriage and divorce. The Committee is concerned, however, that:

(a) Women, including those belonging to minority groups, are unaware of their rights under the Convention and lack the information necessary to claim them;

(b) Women and girls, in particular those belonging to Arab and Bedouin communities, asylum seekers and migrants, experience differential access to justice owing to the physical and economic barriers that they face in bringing complaints of discrimination;

(c) Following the adoption of guidelines by the Legal Aid Department in April 2016, the number of appeals in family law matters, including child support and maintenance, funded from legal aid has fallen.

17. **Recalling its general recommendation No. 33 (2015) on women's access to justice, the Committee recommends that the State party address all physical and economic barriers that impede access to justice for women, in particular those belonging to Arab and Bedouin communities, asylum seekers and migrants. It also recommends that the State party:**

(a) **Increase awareness among all women, including those belonging to minority groups, of their rights under the Convention and eliminate the obstacles preventing them from gaining access to justice;**

(b) **Ensure that the Convention and related national legislation are made an integral part of the continuing legal education of the judiciary and all actors in the justice system, so as to cultivate a culture supportive of women's rights;**

(c) **Assess the impact of the guidelines adopted in 2016 by the Legal Aid Department on women's access to legal aid, in particular with regard to family law matters, including child support and custody cases.**

Women and peace and security

18. The Committee welcomes government resolution No. 2331, which is aimed at implementing Security Council resolution 1325 (2000) on women and peace and security. It notes the adoption of an associated action plan and a comprehensive policy plan for the promotion of gender equality. It also notes the representation of women in the Israel Defense Forces. Nevertheless, the Committee is concerned that:

(a) The implementation of the policy plan does not address the situation of women and girls in the Occupied Palestinian Territory as part of the extraterritorial obligations of the State party;

(b) The State party's efforts to increase the participation of women in the peace process notwithstanding, women, in particular Israeli-Arab women and representatives of civil society organizations, remain underrepresented;

(c) Sexual violence in the Israel Defense Forces has increased, notwithstanding the adoption of a strategic plan to eliminate sexual harassment, which includes the establishment of a victim support section;

(d) Israeli security forces continue to use disproportionate force in response to acts of violence and protest demonstrations and in law enforcement operations in the context of counter-terrorism measures, with a disproportionate impact on women and girls.

19. **The Committee recommends that the State party give due consideration to its general recommendation No. 30 (2013) on women in conflict prevention, conflict and post-conflict situations by ensuring that the policy plan on the**

implementation of Security Council resolution 1325 (2000) is fully implemented, including through the allocation of adequate human, technical and financial resources and enhanced cooperation with women from civil society organizations representing all perspectives. The Committee also recommends that the State party:

(a) Extend the application of the policy plan to the Occupied Palestinian Territory over which the State party exercises jurisdiction or effective control;

(b) Establish a mechanism, with set objectives, to recognize and take advantage of the strategic role of women in finding a lasting solution for peace and to promote conflict prevention and post-conflict reconstruction efforts, including through their direct role in decision-making, in line with Security Council resolution 1325 (2000), and take into consideration the full spectrum of the Council's women and peace and security agenda, as reflected in resolutions 1820 (2008), 1888 (2009), 1889 (2009), 1960 (2010), 2106 (2013), 2122 (2013) and 2242 (2015);

(c) Continue to investigate, prosecute and punish perpetrators of sexual violence in the Israel Defense Forces and ensure that a policy of zero tolerance of sexual abuse and exploitation by security officials is strictly applied;

(d) Ensure that the use of force against women and girls in response to acts of violence and protest demonstrations and in law enforcement operations in the context of counter-terrorism measures is proportionate and in compliance with the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.

National human rights institution

20. While the Committee welcomes the fact that the State party accepted the recommendation made under the universal periodic review procedure to establish a national human rights institution in line with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles) (A/HRC/25/15, para. 136.25, and A/HRC/25/15/Add.1, para. 9), it is concerned that no such institution has yet been established.

21. **The Committee recommends that the State party establish an independent national human rights institution for the promotion and protection of human rights, with a mandate to protect and promote women's rights, and ensure parity in the representation of women and men in its composition, including leadership positions, in full compliance with the Paris Principles.**

National machinery for the advancement of women and gender mainstreaming

22. The Committee commends the State party on the substantial increase in financial resources for the Authority for the Advancement of the Status of Women and the development of an overarching gender mainstreaming policy and plan of action that incorporates action on meeting the Sustainable Development Goals and involves governance structures at the national and local levels. The Committee also welcomes the adoption of government resolution No. 36, in May 2015, to establish a ministerial committee on social equality mandated to promote gender equality in areas covered by the Convention. The Committee notes the "gradual gender analysis" of the State budget and efforts to define the responsibilities of the gender equality supervisors assigned to each ministry, as well as the development of policies to promote the equality of women from Arab and Bedouin communities. Nevertheless, the

Committee notes that the coordination of gender-mainstreaming activities undertaken by the supervisors is insufficient, as is the involvement of all actors, including judges and law enforcement personnel, necessary to reinforce the plans and strategies.

23. **The Committee recommends that the State party:**

(a) **Continue to strengthen coordination and the provision of adequate resources to the Authority for the Advancement of the Status of Women so as to enable it to carry out its activities effectively, including monitoring progress in efforts to attain the Sustainable Development Goals;**

(b) **Provide an evaluation in its seventh periodic report of the implementation and coordination of the gender-mainstreaming activities undertaken by the ministries following the official defining of the duties of the gender equality supervisors, which should include tracking the progress made by each ministry to ensure that activities financed from the State budget comply with set gender-budgeting evaluation criteria and ensuring that ministries not in compliance are sanctioned;**

(c) **Reinforce projects to increase cooperation with civil society organizations representing women's interests, in particular those representing the interests of women from minority communities and groups in disadvantaged situations, including Arab and Bedouin women.**

Temporary special measures

24. The Committee commends the State party on its efforts to accelerate the achievement of substantive equality of women and men, such as the use of the "team of directors" public procedure, which sets quotas for the representation of Israeli-Arab women as directors in government companies. The Committee also commends the State party on Amendment No. 12 to the Municipal Council (Funding of Elections) Law, which provides for 15 per cent additional funding for those political parties where at least one third of their elected and serving members are women. The Committee is concerned, however, that the amendment applies only to elections for city and local councils, not regional councils. The Committee is also concerned that no temporary special measures have been adopted in some areas covered by the Convention, including higher education.

25. **The Committee recommends that the State party increase the use of temporary special measures, including statutory quotas, in all areas covered by the Convention in which women are underrepresented or disadvantaged, including representation on regional councils and in decision-making positions in higher education. Such measures should include specific targets and time frames, in accordance with article 4 (1) of the Convention and the Committee's general recommendation No. 25 (2004) on temporary special measures, in order to ensure the achievement of substantive equality of women and men in all areas of the Convention in which women, especially Israeli-Arab women, are underrepresented or disadvantaged.**

Stereotypes and harmful practices

26. The Committee welcomes the State party's efforts to combat discriminatory gender stereotypes and harmful practices, including the adoption of Amendment No. 6 to the Marriage Age Law, by which the minimum age of marriage was raised from 17 to 18 years. The Committee also welcomes the adoption of government

resolution No. 2345 to establish an interministerial committee mandated to develop a strategic plan to eliminate polygamy. The Committee is concerned, however, that:

(a) Discriminatory stereotypes based on restrictive religious interpretations concerning the roles and responsibilities of women and men in the family and in society persist, in particular among ultra-Orthodox Israelis;

(b) Married women who are unable to divorce because they have not received the *get* continue to suffer stigma and discrimination when they bear children by men other than their husbands;

(c) Polygamous and forced marriages persist, in particular among the Arab and Bedouin communities, the State party's efforts to eliminate those harmful practices notwithstanding.

27. **Recalling joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/general comment No. 18 of the Committee on the Rights of the Child (2014) on harmful practices and in line with target 5.3 of the Sustainable Development Goals, to eliminate all harmful practices, such as child, early and forced marriage and female genital mutilation, the Committee recommends that the State party:**

(a) **Adopt a comprehensive strategy to eliminate discriminatory stereotypes with regard to the roles and responsibilities of women and men in the family and in society, which should include a monitoring mechanism to assess the impact of the measures taken and design remedial action;**

(b) **Expand public education and other programmes to eliminate stereotypes and stigma with regard to women who have children out of wedlock;**

(c) **Take further legislative and educational measures to eliminate polygamous and forced marriages, in particular among the Arab and Bedouin communities.**

Gender-based violence against women

28. The Committee commends the State party on its efforts to tackle gender-based violence against women, such as Amendment No. 11 to the Rights of Victims of Crime Law, which will enter into force in January 2018 and provides that victims of sexual violence are entitled to choose the gender of their investigator. It notes that the State party is taking steps to ratify the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence. The Committee remains concerned, however, at:

(a) Reports of intimate partner violence, including femicide and crimes committed in the name of so-called honour;

(b) The prevalence of sexual and domestic violence, as also noted by the Special Rapporteur on violence against women, its causes and consequences (A/HRC/35/30/Add.1, paras. 29–32);

(c) Psychological violence and abuse by husbands against their wives during divorce proceedings through the withholding of consent to divorce (also known as *get* abuse);

(d) The high rate of sexual harassment experienced by women and girls in all settings.

29. **Recalling its general recommendations No. 19 (1992) on violence against women and No. 35 (2017) on gender-based violence against women, updating general recommendation No. 19, and in line with target 5.2 of the Sustainable Development Goals, to eliminate all forms of violence against all women and girls in the public and private spheres, including trafficking and sexual and other types of exploitation, the Committee recommends that the State party:**

(a) **Intensify efforts to combat gender-based violence against women, including femicide and domestic violence, by ensuring that such acts of violence are effectively investigated and prosecuted and adequate sentences imposed on the perpetrators;**

(b) **Ensure that women are protected from psychological violence and abuse exerted by their husbands during divorce proceedings, including through the imposition of appropriate sanctions by courts;**

(c) **Implement a policy of zero tolerance of sexual harassment, ensuring the full prosecution and punishment of all such acts perpetrated against women and girls;**

(d) **Expedite the ratification of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence.**

Violence against and harassment of women in the Occupied Palestinian Territory

30. While noting the complexity of the situation, in particular regarding the local administration, the Committee expresses concern that Palestinian women and girls continue to be subjected to excessive use of force and abuse by the State party's security forces and Israeli settlers, including physical, psychological and verbal abuse and sexual harassment and violations of their right to life. The Committee is also concerned that:

(a) Owing to restrictions on freedom of movement in the Occupied Palestinian Territory, Palestinian women and girls continue to be subjected to harassment at checkpoints and by settlers on their way to and from school and work;

(b) The practice of night raids employed by the Israeli security forces disproportionately affects women and girls.

31. **The Committee reiterates its previous concluding observations (CEDAW/C/ISR/CO/5, para. 23) and recommends that the State party:**

(a) **Immediately put an end to all human rights abuses and violations perpetrated against women and girls in the Occupied Palestinian Territory and remove any restrictions on freedom of movement;**

(b) **Combat impunity for human rights violations and ensure remedies for victims;**

(c) **Ensure that the practice of night raids complies with due process guarantees and rights under the Convention.**

Evictions and house demolitions

32. The Committee, recalling its previous concluding observations (ibid., para. 28), notes with concern that the State party continues to demolish property, homes and schools and undertake forced evictions, especially in the Occupied Palestinian Territory, including East Jerusalem, that is under its jurisdiction or effective control.

The Committee notes that the practice of punitive demolitions affecting entire families without distinction constitutes collective punishment and is a violation of international humanitarian law. The Committee is concerned that:

(a) The State party's authorities have resumed, following its suspension in 2005, the practice of punitive house demolitions, which punishes families and disproportionately affects women and girls, in particular female-headed households;

(b) The use of discriminatory planning and zoning policies in Area C of the West Bank, including East Jerusalem, results in a lack of housing permits for Palestinians and the issuance of eviction and demolition orders.

33. **The Committee reiterates its previous recommendation (ibid., para. 29) that the State party:**

(a) **Revoke all policies on the practice of punitive demolitions and forced evictions, which have a harmful impact on the physical and psychological well-being of Israeli-Arab women and girls, and Palestinian women and girls in the Occupied Palestinian Territory;**

(b) **Immediately cease the implementation of eviction and demolition orders that are based on discriminatory planning and zoning policies;**

(c) **Revise the discriminatory policy concerning housing permits for Palestinians.**

Trafficking and exploitation of prostitution

34. The Committee notes the State party's efforts to penalize the purchase of sexual services and to combat trafficking in persons, including through the conduct of regular training sessions for government officials and the provision of free legal aid to victims of trafficking. Nevertheless, the Committee is concerned that the State party remains a destination country for trafficking in women and girls for purposes of sexual and labour exploitation. It is particularly concerned at:

(a) The lack of early identification of women and girls who are victims of trafficking for sexual exploitation, who often arrive in the State party as labourers, and the inefficiencies in the identification of victims;

(b) The lack of information on mechanisms in place to inspect the agricultural sector to identify victims of trafficking;

(c) The low rate of prosecution of traffickers owing to the lack of coordination between the police and the migration services;

(d) The lack of information on sexual exploitation of women engaged in prostitution and on exit programmes for women wishing to leave prostitution.

35. **The Committee recommends that the State party:**

(a) **Ensure that the Office of the National Anti-Trafficking Coordinator strengthens the mechanisms for the early identification of women and girls who are victims of trafficking;**

(b) **Strengthen the coordination between the entities responsible for monitoring the implementation of the laws combating trafficking and exploitation of prostitution;**

(c) **Provide information in its seventh periodic report on the extent of exploitation of prostitution in the State party and on the mechanisms in place to**

identify victims of trafficking for sexual exploitation or for the exploitation of labour in the agricultural sector;

(d) **Enhance bilateral, regional and international cooperation to prevent trafficking, including by exchanging information and harmonizing legal procedures to prosecute traffickers;**

(e) **Introduce exit programmes for women wishing to leave prostitution.**

Participation in political and public life

36. The Committee notes that the State party has made commendable progress in promoting the participation of women in the judiciary and the civil service and on State boards. It welcomes the appointment of a woman as Director of Human Resources at the Rabbinical Courts Administration and of a woman judge in a Muslim religious court. Nevertheless, the Committee remains concerned at:

(a) The low number of women in the parliament and ministerial, senior academic and diplomatic positions and the fact that women cannot serve as judges in rabbinical courts;

(b) The low participation of Israeli-Arab and Bedouin women in political and public life;

(c) The lack of measures to tackle discrimination by ultra-Orthodox political parties, namely Yahadut Hatorah and Shas, whose regulations bar women from being appointed as members or from being candidates and therefore elected to the parliament or municipal and regional councils, and at the State Attorney's opinion that there is no legal basis for invalidating those regulations or for excluding those parties from participating in elections, even though party statutes should not be allowed to derogate from the Basic Law: Human Dignity and Liberty and the Basic Law: the Knesset.

37. **The Committee recommends that the State party:**

(a) **Continue to take targeted measures to further increase the representation of women in political and public life, especially in the parliament and ministerial, senior academic and foreign service positions, and initiate consultations with relevant stakeholders on introducing reforms regarding the participation of women as rabbinical judges;**

(b) **Introduce temporary special measures, such as quotas, to increase the participation of Israeli-Arab and Bedouin women in political and public life;**

(c) **Adopt legislation that prohibits from participating in any election any political party that has discriminatory regulations precluding women from being appointed as members of parties or from being candidates and therefore elected to the parliament or regional and municipal councils, in violation of article 7 of the Convention and of the relevant basic laws, especially the Basic Law: Human Dignity and Liberty.**

Human rights defenders and non-governmental organizations

38. The Committee is concerned that, following the adoption of the so-called boycott and Nakbah laws in 2011, human rights defenders, including Israeli and Palestinian women, have been subjected to severe restrictions on their activities, including through limitations on their financing.

39. **The Committee recommends that the State party take specific steps, including through legal amendments, to create an enabling environment in which Israeli and Palestinian women human rights defenders and non-governmental organizations working on gender equality and women's empowerment may freely conduct their activities without undue restrictions, including on funding by foreign sources.**

Nationality and family reunification

40. The Committee notes with concern that the Citizenship and Entry into Israel Law (Temporary Order), which was enacted in 2003 and intended to be temporary, yet continues to be extended, prohibits the granting of status to the spouses of Palestinian Israelis or Palestinian permanent residents in Israel. The Committee notes that the ban is absolute for inhabitants from the Gaza Strip, whereas Palestinians from the West Bank have been able to obtain limited temporary resident permits since 2005. The Committee is particularly concerned that:

(a) The legislation prohibits the granting of any status (residency or citizenship) to Palestinians from the Occupied Palestinian Territory who are married to Israeli citizens or residents of East Jerusalem solely based on their nationality, whereas foreign spouses of other nationalities can obtain such permits;

(b) Owing to the legislation, couples must choose to live separately, with one spouse deprived of seeing the children grow up; live together with the spouse from the Occupied Palestinian Territory being considered illegal, deprived of basic rights and subject to deportation if found living in East Jerusalem; or live in the West Bank, in which case the Israeli spouse risks losing Israeli citizenship and the permanent residents risk losing residency status;

(c) Although the legislation now allows the granting of temporary residence permits for humanitarian reasons or a residence permit under special circumstances, the granting of temporary residence permits requires the fulfilment of strict security and age conditions, and the withdrawal of such permits can be arbitrary;

(d) Under government resolution No. 3598 of June 2008, family reunification of Palestinians who have Israeli residency or citizenship with individuals from the Gaza Strip is prohibited outright.

41. **The Committee recalls its previous recommendation (CEDAW/C/ISR/CO/5, para. 25) that the State party objectively balance its security concerns with the human rights of persons affected by its laws and policies and review them in order to facilitate family reunification of all citizens and permanent residents of the State party. In that regard, the State party should review the Citizenship and Entry into Israel Law (Temporary Order) and government resolution No. 3598 of June 2008 to ensure that they comply with articles 9 and 16 of the Convention, for example by providing for targeted measures applied on a case-by-case basis, while respecting the principles of equality and proportionality.**

Education

42. The Committee welcomes the high level of literacy and education in the State party and the measures taken to further improve access by women and girls to good-quality education, in particular with regard to women and girls from ultra-Orthodox communities, including the five-year programme aimed at integrating them into the education system. The Committee also welcomes the amendment in 2014 to the

Rights of Pupils Law to include sexual orientation and gender identity as prohibited grounds of discrimination against pupils. Nevertheless, the Committee is concerned at:

(a) Gaps in equal access to education experienced by Israeli-Arab, Bedouin and ultra-Orthodox women and girls, who, as result, continue to register higher dropout rates and poor outcomes with regard to higher education;

(b) The fact that women remain underrepresented in high-level academic positions and in scientific fields;

(c) Information that textbooks used in the Arab education system contain negative stereotypes concerning the roles and responsibilities of women and men, notwithstanding the adoption in 2015 of a guideline on teaching methods, which requires that all textbooks undergo "gender-focused editing" before approval by the Ministry of Education.

43. **The Committee recommends that the State party:**

(a) **Strengthen its strategies, including through the use of temporary special measures such as targeted scholarships, to improve education outcomes among Israeli-Arab, Bedouin and ultra-Orthodox women and girls, and use attendance officers from the Ministry of Education to prevent them from dropping out of school;**

(b) **Intensify the use of measures, including temporary special measures, to address the underrepresentation of women in high-level academic positions;**

(c) **Review textbooks in the Arab education system to identify and remove discriminatory stereotypes.**

Employment

44. The Committee welcomes the adoption, in 2014, of Amendment No. 5 to the Male and Female Workers (Equal Pay) Law, which provides that public bodies that have an obligation to submit reports regarding employees' salaries should include a "gender account". The Committee also welcomes the adoption, in 2013, of regulations for encouraging the incorporation and promotion of women in employment and adapting employment positions for women, providing for a selection process for employers who are entitled to a financial grant or achievement award for promoting gender equality. Nevertheless, the Committee is concerned at:

(a) Labour market segregation, the concentration of women in traditional career paths and the persistent gender wage gap, which, in the civil service, is partly due to variable salary components such as a vehicle allowance and overtime hours;

(b) The limited participation of Bedouin and ultra-Orthodox women in the labour market;

(c) Information that Israeli-Arab women continue to face barriers to gaining access to employment;

(d) Increased reports of sexual harassment cases and insufficient sanctions within the Israel Defense Forces, which the State party attributes to increased reporting, and the lack of information on the impact on women's career progress in the Israel Defense Forces following the integration of ultra-Orthodox men into the military.

45. **The Committee, recalling its previous recommendation (CEDAW/C/ISR/CO/5, para. 37), reiterates that the State party:**

(a) **Intensify its efforts to guarantee equal opportunities for women in the labour market by combating segregation and take specific measures to reduce the gender pay gap by enforcing the principle of equal pay for work of equal value and intensifying the use of wage surveys;**

(b) **Establish training and vocational courses to ensure the equal participation of women in the development of digital technology;**

(c) **Adopt specific measures, including temporary special measures, to improve the participation of Bedouin and ultra-Orthodox women in the labour market and remove barriers faced by Israeli-Arab women to gaining access to employment;**

(d) **Intensify efforts to combat sexual harassment, in particular in the Israel Defense Forces, through the enforcement of the Prevention of Sexual Harassment Law and assess the impact on women's career progress in the Israel Defense Forces following the integration of ultra-Orthodox men into the military.**

Health

46. The Committee appreciates the efforts made by the State party to ensure that a high standard of health care is available and that advances are made in medical research, while noting that there remains discrimination in terms of access to care. It welcomes the steps taken to improve health care for women and girls and notes the development of an intervention programme and an action plan to eliminate discrimination in the health sector, in particular to address racism against persons of Ethiopian descent and to reinforce health-care infrastructure and personnel in rural areas. Nevertheless, the Committee is concerned that:

(a) Women and girls of Ethiopian descent continue to face discrimination when seeking health-care services;

(b) Owing to restrictions on freedom of movement at checkpoints, Palestinian women and girls in the Occupied Palestinian Territory experience hardships in reaching health-care facilities such as hospitals and clinics and emergency care and specialized treatment;

(c) Israeli-Arab and Bedouin women and girls continue to register poor health outcomes, in particular in terms of infant and maternal mortality, and have the highest incidence within the Israeli population of obesity and lung cancer;

(d) While abortion is permitted in certain circumstances, including rape, incest, threat to the physical or mental health of the pregnant woman and when fetuses have a serious mental or physical defect, as set out in the Penal Code of 1977, women must still follow complex and onerous administrative procedures to obtain approval for abortion from the Termination of Pregnancy Committee.

47. **The Committee recommends that the State party:**

(a) **Adopt appropriate intervention programmes and action plans, including the strict application of relevant criminal law provisions, to address discrimination in the health sector, in particular against women and girls of Ethiopian descent;**

(b) **Continue to strengthen efforts, such as the implementation of the national screening plan for breast cancer and the treatment of ovarian and lung cancer, in order to improve health outcomes among Israeli-Arab and Bedouin women, in particular with regard to obesity, lung cancer and infant and maternal mortality;**

(c) **Conduct an impact assessment study and ensure that the administrative procedures for obtaining approval for an abortion from the Termination of Pregnancy Committee do not hinder the access of women and girls to safe abortion services.**

Economic empowerment of women

48. The Committee notes the State party's efforts to promote the economic empowerment and social welfare of women and welcomes the adoption, in 2015, of a transition strategy from the Millennium Development Goals to the Sustainable Development Goals. Nevertheless, the Committee is concerned at:

(a) The lack of information on access to loans and credit facilities by women and girls and on efforts to enhance their capacity in entrepreneurship and the use of digital technology;

(b) The lack of information on measures taken by the State party to implement the Sustainable Development Goals and ensure the participation of women in those processes.

49. **The Committee recommends that the State party:**

(a) **Provide detailed information in its seventh periodic report on women's access to loans and other forms of financial credit and on efforts to enhance the capacity of women and girls in entrepreneurship and their use of digital technology;**

(b) **Ensure the participation of women in efforts to meet the Sustainable Development Goals.**

Disadvantaged groups of women

Refugee and asylum-seeking women and girls

50. The Committee welcomes the fact that in January 2013 the Ministry of Health opened a clinic in southern Tel Aviv-Jaffa for foreign residents who were not covered by the State health insurance. Nevertheless, it remains concerned that asylum-seeking women continue to experience uncertainty owing to the low number of refugee claims that are accepted by the State party, thereby greatly hindering their full access to the education, employment, health-care and justice systems.

51. **The Committee, recalling its previous recommendation (CEDAW/C/ISR/CO/5, para. 47), recommends that the State party repeal the relevant provisions of the Prevention of Infiltration (Offences and Jurisdiction) Law, so as to facilitate the processing of claims by asylum-seeking women and ensure their access to essential services.**

Women in detention

52. The Committee reiterates its concern about the increased number of Palestinian women and girls who are subjected to prolonged administrative detention and forcible

transfers from the Occupied Palestinian Territory to places of detention in Israel and about reports of their limited access to justice and health-care services.

53. **In line with the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules), the Committee recommends that the State party address prolonged administrative detention by ensuring that Palestinian women and girls who are detained are promptly brought before a judge. It also recommends that the State party improve conditions of detention and ensure access to justice and health-care services.**

Rural women

Bedouin women

54. The Committee notes that the State party operates a "safe space" project for adolescent Bedouin girls in distress with a view to preventing them from dropping out of school and enhancing their economic empowerment. The Committee also notes that, in February 2017, the State party approved a five-year plan to develop Bedouin localities in the Negev, including by improving education and health infrastructure. Nevertheless, the Committee notes with concern that:

(a) The five-year plan is accompanied by forced urbanization, evictions and displacements and the State party continues to demolish homes and schools in Bedouin communities such that Bedouins are forced to relocate;

(b) The lack of information on access by Bedouin women to social services and credit facilities and their use of modern technology.

55. **The Committee, recalling its previous recommendation (ibid., para. 45), recommends that the State party:**

(a) **Take specific measures to improve education, employment, health-care and housing outcomes for Bedouin women and girls, including by ensuring that action plans for their empowerment have clear indicators and benchmarks and their implementation is monitored and regularly evaluated;**

(b) **Provide information in its seventh periodic report on access by Bedouin women to social services and credit facilities and their use of modern technology.**

Marriage and family relations

56. The Committee welcomes the legislative developments in the area of marriage and family relations, including the adoption, in 2012, of an amendment to the Rabbinical Courts (Enforcement of Divorce Judgments) Law, which requires rabbinical courts to monitor progress in the enforcement of divorce judgments. The Committee also notes that the legislation was further amended in 2017 to allow for sanctions to be imposed on male spouses who refuse to consent to a divorce (*get*). It further notes that, in 2016, the State Attorney issued a guideline to regulate the prosecution and punishment policy in respect of failure to comply with a judicial order of a rabbinical court regarding the granting or receiving of a *get*, in order to reduce the number of women whose husbands cannot or refuse to grant the *get*. The Committee notes the establishment of procedures relating to the jurisdiction of family rules in civil and religious courts and the need to take measures to combat what is known as the "race for jurisdiction". The Committee is concerned that:

(a) Women suffer from discrimination in divorce matters because they are under the influence of discriminatory religious laws. Given that, under Jewish law, only men can grant consent for a divorce (*get*), women are susceptible to extortion by their husbands and concede to certain marital terms in return for a *get*, while Muslim women fear losing custody of their children should they embark on a new relationship;

(b) The law does not provide for civil marriages, and even spouses who contract civil marriage outside the State party are still subject to the jurisdiction of religious courts in divorce cases;

(c) Following the recommendation of the Schnitt Committee to remove the "tender years" clause under the Legal Capacity and Guardianship Law of 1962, which provides that children up to 6 years of age are to be under the custody of their mother, there has been an increase in applications for joint custody by men in order to reduce their child support payments, with this change in the interpretation of the legislation also being used as a tool to extort concessions from women and leading to an increase in family disputes before the courts;

(d) Polygamy and bigamy persist and are legitimized under religious laws governing personal status, including the possibility of retroactive annulation of a divorce even when the former spouses have remarried, which has negative consequences for women.

57. **Recalling its previous recommendations (ibid., para. 49) and in line with its general recommendations No. 21 (1998) on equality in marriage and family relations and No. 29 (2013) on the economic consequences of marriage, family relations and their dissolution, the Committee recommends that the State party:**

(a) **Repeal discriminatory provisions governing divorce that give men the unilateral power to grant consent to divorce (*get*) and, in the interim, intensify the use of criminal sanctions for husbands who deliberately withhold consent, and expand the supervisory powers of rabbinical courts in ensuring compliance with their orders in that respect;**

(b) **Introduce an option for individuals to contract a civil marriage and to divorce in civil courts, at least when civil marriages are contracted outside the State party;**

(c) **Harmonize religious laws governing marriage and divorce with the Convention;**

(d) **Undertake a study to assess the impact of the "tender years" clause and the introduction of joint child custody on the increase in the number of custody disputes, the increased level of poverty experienced by female-headed households and the use of joint custody or the threat of such use as a tool applied by men to extort concessions from women;**

(e) **Intensify efforts to enforce the prohibition of bigamy and polygamous marriages, as well as the retroactive cancellation of a divorce, through the strict imposition of sanctions, as already introduced in the civil service, and through educational and awareness-raising programmes.**

Optional Protocol to the Convention and amendment to article 20 (1) of the Convention

58. **The Committee encourages the State party to ratify the Optional Protocol to the Convention and to accept, as soon as possible, the amendment to article 20 (1) of the Convention concerning the meeting time of the Committee.**

Beijing Declaration and Platform for Action

59. **The Committee calls upon the State party to use the Beijing Declaration and Platform for Action in its efforts to implement the provisions of the Convention.**

2030 Agenda for Sustainable Development

60. **The Committee calls for the realization of substantive gender equality, in accordance with the provisions of the Convention, throughout the process of implementation of the 2030 Agenda for Sustainable Development.**

Dissemination

61. **The Committee requests the State party to ensure the timely dissemination of the present concluding observations, in the official languages of the State party, to the relevant State institutions at all levels (national, regional and local), in particular to the Government, the ministries, the parliament and the judiciary, to enable their full implementation.**

Ratification of other treaties

62. **The Committee notes that the adherence of the State party to the nine major international human rights instruments[1] would enhance the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. The Committee therefore encourages the State party to ratify the Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the International Convention for the Protection of all Persons from Enforced Disappearance, to which it is not yet a party.**

Follow-up to the concluding observations

63. **The Committee requests the State party to provide, within two years, written information on the steps taken to implement the recommendations contained in paragraphs 13 (a), 53 and 57 (a) and 57 (b) above.**

Preparation of the next report

64. **The Committee invites the State party to submit its seventh periodic report in November 2021. The report should be submitted on time and, in case of delay, should cover the entire period up to the time of its submission.**

65. **The Committee requests the State party to follow the harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents (see HRI/GEN/2/Rev.6, chap. I).**

[1] The International Covenant on Economic, Social and Cultural Rights; the International Covenant on Civil and Political Rights; the International Convention on the Elimination of All Forms of Racial Discrimination; the Convention on the Elimination of All Forms of Discrimination against Women; the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; the Convention on the Rights of the Child; the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; the International Convention for the Protection of All Persons from Enforced Disappearance; and the Convention on the Rights of Persons with Disabilities.